

## **REMARKS**

In the Office Action, Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of Mullaney et al. Claim 1 was previously amended to clarify that the internal cavity of the water-tight splice housing is adapted to receive the first and second mechanical fiber optic splicers, the fiber optic patch, and the first and second ends of the fiber optic cable. In the most recent Office Action, the Examiner conceded that Swanson et al. does not disclose a water-tight splice housing, as recited in Claim 1. To overcome this deficiency, the Examiner asserted that Mullaney et al. discloses a water-tight splice housing and it would have been obvious to modify the Swanson et al. device to be placed inside of Mullaney et al.'s water-tight splice housing.

Applicants respectfully submit that this proposed combination/modification of Swanson et al. and Mullaney et al. is improper because there is no motivation or suggestion to modify and combine the teachings of these references, as suggested by the Examiner. To the contrary, there is ample evidence that neither the disclosure of Swanson et al. nor Mullaney et al. supports such a modification and combination. *First*, Swanson et al. does not disclose or suggest that the devices disclosed therein could or should be enclosed within another housing, such as the one disclosed in Mullaney et al. To the contrary, Swanson et al. teaches away from such a modification and combination. Swanson et al. expressly discloses that one of the desired features of the invention is to provide an apparatus that "is light in weight and compact and reasonably small in size so that it can readily be stored and the technician can easily carry it to the break point even if several hundred yards from the vehicle." (Col. 1, lines 64-68.) Swanson et al. also states that another desired feature of the invention is that the "apparatus be a completely self contained unit having everything needed except tools." (Col. 2, lines 9-11.)

These statements expressly teach away from including another component, such as the housing disclosed in Mullaney et al, which is potentially bulky and large in size because such a system would be contrary to both of the stated features of Swanson et al. discussed above. Accordingly, because Swanson et al. teaches away from the very same modification and combination proposed by the Examiner, the proposed modification and combination is improper. (MPEP §2141.02)

In the Advisory Action, the Examiner asserts that Swanson et al. discloses a “carrier housing” and thus Swanson et al. suggests that the device disclosed therein can be modified as suggested in the prior office action. Applicants respectfully disagree. The “carrier housing” disclosed in Swanson et al. is a “form of housing which is readily storable in the vehicle used by the field technician and by means of which the technician can carry the repair equipment to the site of the severed or otherwise damaged fiber optic cable.” (Col. 7, lines 40-45.) Applicants submit that this passage does not provide motivation for the modification suggested by the Examiner in the prior office action. Indeed, this passage makes clear that the “housing” is used only for storing and carrying the device, and is not used for patching the cable. Moreover, Swanson et al. does not disclose that any portions of the cable can be disposed within the housing, as recited in the claims. Indeed, in reviewing figures 5 and 6 it does not appear that there is any way for the ends of the cable to be received in the housing. Accordingly, applicants believe that their prior arguments about Swanson et al. stand, and the proposed modification is improper.

**Second**, while Mullaney et al. discloses a splice housing, it does not disclose that a fiber optic patch can or should be used in conjunction with the housing disclosed therein. Indeed, Mullaney et al. contains no mention or discussion of any fiber optic patches. While the Examiner has asserted in the Advisory Action that the use of a fiber optic patch is obvious, the

Examiner has not provided any support for this assertion. Accordingly, because the Examiner's proposed modification and combination of Swanson et al. and Mullaney et al. is improper, Claims 1-3 and 5-7 are patentable over this proposed modification and combination.

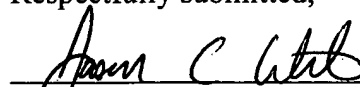
Claims 8-12 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of Yin et al. Applicants resubmit that there is no motivation or suggestion to combine the teachings of Swanson et al. and Yin et al., as suggested by the Examiner, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Accordingly, Claims 8-12 and 14-21 are patentable over the proposed combination for this reason alone. Even if Swanson et al. could be properly combined with Yin et al., Claims 8-12 and 14-21 are patentable over the proposed combination for at least the following reasons.

Claims 8 and 17 have both been amended to recite the act of enclosing the fiber optic patch and portions of the first and second ends of the fiber optic cable within an internal cavity of a single splice housing. As explained in a previous response, Swanson et al. discloses using two separate enclosures to enclose portions of the fiber optic cable and portions of a patch. Thus, Swanson et al. does not disclose enclosing: (1) a fiber optic patch, (2) a portion of a first end of a fiber optic cable, and (3) a portion of a second end of a fiber optic cable within an internal cavity of a single splice housing, as recited in Claims 8 and 17. Moreover, there is no suggestion that the two separate housings disclosed in Swanson et al. could be somehow modified or combined to form a single splice housing for receiving a fiber optic patch and portions of the first and second ends of a fiber optic cable, as recited in Claims 8 and 17. Accordingly, Claims 8 and 17, and Claims 9-12, 14-16, and 18-21, which depend from Claims 8 and 17, are patentable over the proposed combination for at least these reasons.

In view of the above amendments and remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants' undersigned attorney.



Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jason C. White", written over a horizontal line.

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